

Whether to grant or deny a motion to compel is generally left within a district court's broad discretion. See, Lone Star Steakhouse & Saloon, Inc. v. Alpha of Va., Inc., 43 F.3d 922, 929 (4th Cir. 1995) (denial of motions to compel reviewed on appeal for abuse of discretion); Erdmann v. Preferred Research Inc., 852 F.2d 788, 792 (4th Cir. 1988) (noting District Court's substantial discretion in resolving motions to compel); and LaRouche v. National Broadcasting Co., 780 F.2d 1134, 1139 (4th Cir. 1986) (same).

By the instant motion, Defendants seek an order compelling *pro se* Plaintiff to provide initial disclosures and responses to the United States' first set of interrogatories. (Document No. 61). The United States contends that Plaintiff was served the "First Set of Interrogatories and Requests for Production of Documents" on June 7, 2022. (Document No. 62, p. 2) citing (Document No. 62-1). The Government further contends that

Plaintiff has failed to answer any interrogatories and to produce any documents responsive to the United States' First Set of Interrogatories and the United States' Request for Production, which were propounded on June 7, 2022. Additionally, Plaintiff has provided no Initial Disclosures.

(Document No. 62, p. 5).

The undersigned notes that according to the "Pretrial Order And Case Management Plan" (Document No. 55), initial disclosures were due by May 10, 2022. The undersigned further notes that Plaintiff has failed to file a response to the pending motion to compel, and the time to do so has lapsed. See LCvR 7.1(e).

Based on the record of this case and the Government's arguments, including the assertion that Plaintiff has not provided *any* initial disclosures or discovery responses, the undersigned finds that the pending motion to compel should be granted. Even though Plaintiff is appearing *pro se*,

she must still comply with the Federal Rules of Civil Procedure, the Local Rules of this Court, and the Orders of this Court.

In addition, the undersigned observes that the parties recently sought, and were granted, a request to be excused from mandatory mediation. See (Document Nos. 59 and 60). In support of their request, the parties noted that the United States Congress had recently passed a bill entitled “Honoring our PACT Act of 2022” that includes a section entitled the “Camp Lejeune Justice Act of 2022,” creating a new cause of action specifically for claims arising from alleged exposure to contaminated water at Camp Lejeune. (Document No. 59). The parties did not elaborate on the impact of this recent legislation on this case, including whether an Amended Complaint is appropriate, and/or whether there is an alternative source of relief available to Plaintiff related to the claims in this case.

IT IS, THEREFORE, ORDERED that the “United States’ Motion To Compel Responses To Initial Disclosures And Discovery Requests” (Document No. 61) is **GRANTED**. Plaintiff shall provide initial disclosures and discovery responses to Defendants on or before **December 16, 2022**.

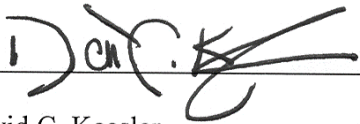
IT IS FURTHER ORDERED that continuing failure by Plaintiff to participate in discovery, or otherwise prosecute this action, may lead to sanctions that could include dismissal of this lawsuit.

IT IS FURTHER ORDERED that the parties shall each file a brief with the Court explaining what, if any, impact the “Camp Lejeune Justice Act of 2022” has on this lawsuit, on or before **December 14, 2022**.

The Clerk of Court is directed to send a copy of this Order to pro se Plaintiff by certified U.S. mail, return receipt requested.

SO ORDERED.

Signed: November 28, 2022



David C. Keesler
United States Magistrate Judge

